

State of New Hampshire



PERSONNEL APPEALS BOARD

25 Capitol Street
Concord, New Hampshire 03301
Telephone (603) 271-3261

Appeal of Paul Coutu, Jr. – Docket #2005-T-005 Department of Transportation

May 25, 2005

The New Hampshire Personnel Appeals Board (Bonafide, Johnson and Reagan) met on Wednesday, May 11, 2005, under the authority of RSA 21-I:58, RSA 541-A and Per-A 100-200 of the Code of Administrative Rules, for a mandatory prehearing conference in the appeal of Paul Coutu, Jr., a former employee of the Department of Transportation. Mr. Coutu, whose appeal was filed *pro se*, was appealing his October 5, 2004 termination from employment for being absent for a period of 3 or more consecutive work days without proper notification or adequate reason, failure to report promptly to work at the conclusion of an approved leave and receipt of a third written warning for excessive, unscheduled absences.

In its notice dated April 22, 2005, the New Hampshire Personnel Appeals Board instructed the parties to appear on May 11, 2005, for a MANDATORY prehearing conference. The Board advised the parties that motions for postponement or special scheduling would only be considered for exceptional circumstances and that they must be made in writing to the Personnel Appeals Board within ten (10) calendar days of the date of that notice to be considered. The Board also informed the parties that, except for good cause shown, failure of an appellant to appear as scheduled could result in dismissal of the appeal for lack of prosecution.

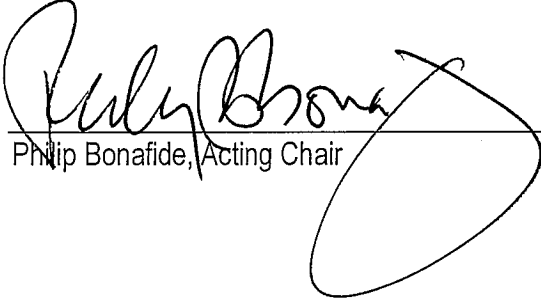
Assistant Attorney General Margaret Fulton appeared on behalf of the Department of Transportation. Neither the appellant nor any person representing the appellant appeared for the scheduled prehearing conference. Neither the appellant nor any person representing the appellant contacted the Board to request a postponement or provide notice of circumstances that would have prevented the appellant and/or his representative from appearing as scheduled.

Assistant Attorney General Fulton requested that the Board dismiss the appeal, arguing that:

1) the appeal was never filed in proper form, 2) the appellant failed to provide any kind of notice to the Department of Transportation that he was appealing his termination, and 3) the appellant failed to appear as scheduled.

For the reasons set forth above, the Board voted unanimously at the May 11, 2005 meeting to grant Assistant Attorney General Fulton's request, DISMISSING the Appeal of Paul Coutu, Jr.

THE NEW HAMPSHIRE PERSONNEL APPEALS BOARD



Philip Bonafide, Acting Chair

Robert Johnson, Commissioner



John Reagan, Commissioner

cc: Karen A. Levchuk, Director of Personnel
Margaret Fulton, Assistant Attorney General
Frances Buczynski, HR Administrator, NH Dept. of Transportation
Paul Coutu, Jr., Appellant